

REMARKS

The Office Action mailed June 11, 2002 (hereinafter the Office Action), has been received and reviewed. Claims 2 and 5 through 10 are currently pending in the application, and each of claims 2 and 5 through 10 stand rejected. However, Applicants respectfully request reconsideration of the application in light of the amendments and remarks set forth herein.

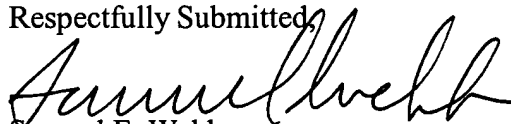
35 U.S.C. § 102 Rejections

Claims 2 and 5 through 10 stand finally rejected under Section 102(b) as being anticipated by Zweigle (U.S. Patent 4,329,452). However, in order for a reference to anticipate a claim under Section 102(b) that reference must expressly or inherently set forth each and every element recited in the claim. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In other words, the identical invention must be shown in as complete detail in the reference as is contained in the rejected claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit, however, that Zweigle fails to explicitly or inherently teach a composition having each and every element of any one of the compositions recited in rejected claims 2 and 5 through 10. Specifically, Zweigle fails to explicitly or inherently teach a composition including ethyl cellulose, a surfactant, and a single organic solvent, wherein the ethyl cellulose and the surfactant are each dissolved in the organic solvent. In fact, at col. 1, lines 42 through 53, Zweigle indicates that an organic solvent would be an undesirable component of the compositions taught therein. Therefore, Applicants respectfully submit that Zweigle does not explicitly or inherently teach each and every element of any of the pending claims, and Applicants respectfully request that the rejection of claims 2 and 5 through 10 under Section 102(b) be withdrawn.

CONCLUSION

Claims 2 and 5 through 10 are believed to be in condition for allowance, and a notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully Submitted,



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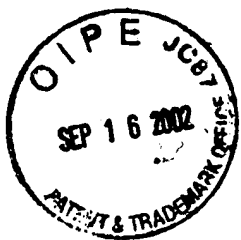
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Enclosures: Version With Markings to Show Changes Made

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Date: September 6, 2002



Version of Claims with Markings t Show Changes Made

2. (Twice Amended) A composition comprising 40 wt % to 99.5 wt % of ethyl cellulose; 0.5 wt % to 60 wt % of an amphiphilic triblock copolymer surfactant consisting of ethylene oxide-propylene oxide-ethylene oxide; and a single organic solvent, wherein the ethyl cellulose and the amphiphilic triblock copolymer surfactant are each dissolved in the single organic solvent.

5. The composition according to claim 2, wherein the molecular weight of the surfactant is 2,200 to 15,000.

6. The composition of claim 2, wherein the ethylene oxide-propylene oxide-ethylene oxide comprises, on a molar basis, 3 to 20 moles of ethylene oxide.

7. The composition of claim 2, wherein the ethylene oxide-propylene oxide-ethylene oxide comprises, on a molar basis, 45 to 80 moles of ethylene oxide.

8. The composition of claim 2, wherein the ethylene oxide-propylene oxide-ethylene oxide comprises, on a molar basis, 50 to 110 moles of ethylene oxide.

9. The composition of claim 2, wherein the ethylene oxide-propylene oxide-ethylene oxide comprises, on a molar basis, 70 to 130 moles of ethylene oxide.

10. The composition of claim 2, wherein the ethylene oxide-propylene oxide-ethylene oxide comprises, on a molar basis, 110 to 170 moles of ethylene oxide.

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